

By Senator Fasano

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1                                   A bill to be entitled  
2           An act relating to adult day care centers; providing a  
3           short title; providing definitions; providing for the  
4           licensure of adult day care centers that provide  
5           specialized Alzheimer's services; requiring an adult  
6           day care center seeking such licensure to meet  
7           specified criteria; providing educational and  
8           experience requirements for the operator of an adult  
9           day care center seeking licensure to provide  
10          specialized Alzheimer's services; providing criteria  
11          for staff training and supervision; providing the  
12          minimum ratio of staff members to participants;  
13          providing requirements for staff orientation;  
14          providing requirements for admission into such an  
15          adult day care center; requiring that a participant's  
16          file include a data sheet, which must be completed  
17          within a certain timeframe; requiring that certain  
18          information be included in the data sheet; requiring  
19          that dementia-specific services be documented in a  
20          participant's file; requiring that a participant's  
21          plan of care be reviewed each month; requiring that  
22          certain notes be entered into a participant's file;  
23          requiring the participant to provide the adult day  
24          care center with updated medical documentation;  
25          requiring the center to give each person who enrolls  
26          as a participant or the caregiver a copy of the  
27          participant's plan of care and a copy of the center's  
28          policies and procedures; requiring the center to  
29          coordinate and execute discharge procedures with a

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30 participant whose enrollment in the center is  
31 involuntarily terminated; providing that only an adult  
32 day care center that holds an appropriate license may  
33 use the term "adult day care - specialized Alzheimer's  
34 services" or advertise that it provides specialized  
35 care for persons who have Alzheimer's disease or other  
36 dementia-related disorders; authorizing the Department  
37 of Elderly Affairs to adopt rules; providing an  
38 effective date.

39  
40 Be It Enacted by the Legislature of the State of Florida:

41  
42 Section 1. (1) This act may be cited as the "Alzheimer's  
43 Adult Day Care Dignity Act."

44 (2) As used in this section, the term:

45 (a) "Dementia" means the loss of at least two intellectual  
46 functions, such as thinking, remembering, and reasoning, which  
47 is severe enough to interfere with a person's daily function.  
48 The term does not describe a disease, but describes a group of  
49 symptoms that may accompany certain diseases or physical  
50 conditions.

51 (b) "Specialized Alzheimer's services" means therapeutic,  
52 behavioral, health, safety, and security interventions; clinical  
53 care; support services; and educational services that are  
54 customized for the specialized needs of a participant's  
55 caregiver and the participant who is affected by Alzheimer's  
56 disease or an irreversible, degenerative condition resulting in  
57 dementia.

58 (3) In addition to the standards required for licensure as

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59 an adult day care center under s. 429.917, Florida Statutes, an  
60 adult day care center may seek licensure under this section as  
61 an adult day care center - specialized Alzheimer's services.

62 (4) An adult day care center seeking licensure under this  
63 section must:

64 (a) Have a mission statement that includes a commitment to  
65 providing dementia-specific services and disclose in the  
66 center's advertisements or in a separate document the services  
67 that distinguish the care as being suitable for a person who has  
68 Alzheimer's disease or a dementia-related disorder.

69 (b) Provide a program for dementia-specific, therapeutic  
70 activities, including, but not limited to, physical, cognitive,  
71 and social activities appropriate for a participant's level of  
72 function.

73 (c) Maintain at all times a minimum staff-to-participant  
74 ratio of one staff member who provides direct services for every  
75 five participants.

76 (d) Provide a program for therapeutic activity at least 70  
77 percent of the time that the center is open to participants.

78 (e) Use assessment tools that identify the participant's  
79 cognitive deficits and identify the specialized and  
80 individualized needs of the participant and the caregiver, if  
81 applicable. This assessment must be conducted when the  
82 participant is initially admitted into the center and must be  
83 updated at least annually.

84 (f) Create an individualized plan of care for each  
85 participant which addresses the identified, dementia-specific  
86 needs of the participant and the caregiver, if applicable. The  
87 plan of care must be established when the participant is

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88 initially admitted into the center and reviewed at least  
89 monthly.

90 (g) Conduct a monthly health assessment of the participant  
91 which includes, but is not limited to, the participant's weight,  
92 vital signs, and level of assistance needed with activities of  
93 daily living.

94 (h) Complete a monthly narrative in the participant's file  
95 regarding the participant's status or progress toward meeting  
96 the goals indicated on the individualized plan of care.

97 (i) Assist in the referral or coordination of other  
98 dementia-specific services and resources needed by the  
99 participant or the caregiver, such as medical services,  
100 counseling, medical planning, legal planning, financial  
101 planning, safety and security planning, disaster planning,  
102 driving assessment, and wandering prevention. The center may  
103 establish relationships with providers that have a demonstrated  
104 knowledge and commitment to serving participants affected by  
105 Alzheimer's disease or a dementia-related disorder and their  
106 caregivers.

107 (j) Offer, facilitate, or provide referrals to a support  
108 group for persons who are caregivers to participants who are  
109 affected by Alzheimer's disease or a dementia-related disorder.

110 (k) Provide to participants and caregivers at least one  
111 dementia-specific educational program every 3 months.

112 (l) Conduct and document at least three times each day a  
113 count of all participants present in the center. This count must  
114 be compared to each participant's attendance record to ensure  
115 that a participant is not missing from the center.

116 (m) Be a secured unit or have working, audible alarm

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117 devices installed on every door that provides egress from the  
118 center and is accessible to the participants.

119 (n) Not allow a participant to administer his or her own  
120 medication.

121 (o) Not allow a participant to drive himself or herself to  
122 or from the center.

123 (5) (a) The operator of an adult day care center licensed  
124 under this section, or the operator's designee, must:

125 1. Have at least a bachelor's degree in health care  
126 services, social services, or a related field, 1 year of  
127 supervisory experience in a social services or health care  
128 services setting, and a minimum of 1 year of experience in  
129 providing dementia-specific services;

130 2. Be licensed as a registered nurse, have 1 year of  
131 supervisory experience in a social services or health care  
132 services setting, and have a minimum of 1 year of experience in  
133 providing dementia-specific services; or

134 3. Have 5 years of supervisory experience in a social  
135 services or health care services setting and a minimum of 3  
136 years of experience in providing dementia-specific services.

137 (b) An adult day care center licensed under this section  
138 must provide the following staff training and supervision:

139 1. A registered nurse or licensed practical nurse must be  
140 on site during all hours of program operation. Each licensed  
141 practical nurse who works at the center must be supervised in  
142 accordance with chapter 464, Florida Statutes.

143 2. Each employee who has direct contact with participants  
144 must complete 4 hours of state-approved, dementia-specific  
145 training within the first 3 months following employment.

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146 3. Each employee who provides direct care to participants  
147 must complete an additional 4 hours of state-approved training  
148 in dementia within 6 months following employment.

149 4. A staff member who provides direct care to a participant  
150 must provide hands-on assistance and care with the participant's  
151 activities of daily living.

152 (c) The plan for staff orientation must include, at a  
153 minimum:

154 1. Information regarding Alzheimer's disease and other  
155 dementia-related disorders.

156 2. Procedures to locate a participant who has wandered from  
157 the center. These procedures must be reviewed at least once  
158 every 3 months with all direct care staff.

159 3. Information on the Silver Alert program in this state.

160 4. Information regarding available products or programs  
161 used to identify participants or prevent them from wandering  
162 away from the center.

163 (6) (a) In order to be admitted as a participant into an  
164 adult day care center licensed under this section, a person:

165 1. Must have a documented diagnosis of Alzheimer's disease  
166 or a dementia-related disorder from a physician licensed in this  
167 state.

168 2. Must require ongoing supervision to maintain the highest  
169 level of medical or custodial functioning and have a  
170 demonstrated need for a responsible party to oversee his or her  
171 care.

172 3. Must be mobile to the degree that the person can bear  
173 enough weight to assist in transferring himself or herself  
174 between seated and standing positions.

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175 4. Must not require more than two staff members to safely  
176 transfer the person from a seated position to a standing  
177 position.

178 5. Must not actively demonstrate aggressive behavior that  
179 places himself, herself, or others at risk of harm.

180 6. Must provide the following medical documentation signed  
181 by a physician licensed in this state or a health care provider  
182 under the direct supervision of a physician licensed in this  
183 state:

184 a. Any physical or emotional conditions that require  
185 medical care;

186 b. A listing of the current prescribed medications and  
187 dosages, diet restrictions, and mobility restrictions; and

188 c. Proof that the person is free of the communicable form  
189 of tuberculosis and free of signs and symptoms of other  
190 communicable diseases.

191 (b) Before a person is admitted as a participant into an  
192 adult day care center licensed under this section, the center  
193 must determine whether:

194 1. The medical, psychological, or behavioral support and  
195 intervention required by the person can be provided by the  
196 center.

197 2. The resources required to assist with the person's  
198 acuity of care and support needed can be provided or coordinated  
199 by the center.

200 (7) (a) A participant's file must include a data sheet,  
201 which must be completed within 45 days before or within 24 hours  
202 after admission to an adult day care center licensed under this  
203 section. The data sheet must contain:

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204 1. Information regarding the status of the participant's  
205 enrollment in an identification or wandering-prevention program,  
206 including the name of the program; and

207 2. A current photograph of the participant.

208 (b) Dementia-specific services must be documented in a  
209 participant's file.

210 (c) A participant's plan of care must be reviewed at least  
211 once each month. Notes regarding nursing and social work  
212 services provided to the participant and the participant's  
213 activities must be entered at least monthly in the participant's  
214 file, and must indicate the participant's status or progress  
215 toward achieving identified goals. Additional notes must be  
216 entered more frequently if indicated by the participant's  
217 condition.

218 (d) A participant shall annually provide the center with  
219 updated medical documentation required under subparagraph  
220 (6)(a)6., and the center must place that documentation in the  
221 participant's file.

222 (8) An adult day care center licensed under this section  
223 must give to each person who enrolls as a participant in the  
224 center or the caregiver a copy of the participant's plan of care  
225 and a copy of the policies and procedures of the center which  
226 must include, but are not limited to, information pertaining to  
227 driving for those persons affected by dementia, available  
228 technology on wandering-prevention devices and identification  
229 devices, the Silver Alert program in this state, and dementia-  
230 specific safety interventions and strategies that can be used in  
231 the home setting.

232 (9) If a participant's enrollment in the center is



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233 involuntarily terminated due to medical or behavioral reasons,  
234 the center shall coordinate and execute appropriate discharge  
235 procedures with the participant and the caregiver.

236 (10) Only an adult day care center licensed under this  
237 section may use the term "adult day care - specialized  
238 Alzheimer's services" and advertise that the center provides  
239 specialized care for persons who have Alzheimer's disease or  
240 other dementia-related disorders.

241 (11) The Department of Elderly Affairs may adopt rules to  
242 administer this section.

243 Section 2. This act shall take effect July 1, 2012.